THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.16117 of 1997

Date: 7th February, 2007

Between:

G.Kaleswar Rao S/o.Nageswara Rao,
Aged 48 years, H.No.18-7-607/B/7,
Danaiah Nagar, Huppuwida, Station Road,
Hyderabad-500 053.

..... Petitioner

AND

1.The Addl.Industrial Tribunal-cum-Labour Court,
Chandra Vihar Building, Hyderabad and another.

.....Respondents

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WRIT PETITION No.16117 of 1997

ORDER:

It is not in dispute that the second respondent is no longer in existence. The Additional Industrial Tribunal-cum-Labour Court, Hyderabad, in its award in I.D.No.16 of 1996, dated 20.03.1997, held that the charge of dereliction of duty, levelled against the petitioner, was established. The charge held established against the petitioner was of misplacing the keys of the generator room, which resulted in the generator having completely stopped working for two

days, causing loss of production of the unit. The Tribunal upheld the validity of the domestic enquiry, and, on appreciation of the evidence on record, held that the petitioner was removed for proved misconduct, and based on the findings in the enquiry, the Tribunal, in exercise of its jurisdiction under Section 11-A of the Industrial Disputes Act, 1947 (for short, 'the Act'), held that the action of the respondents in terminating the petitioner from service was legal and justified and, accordingly, dismissed the petition. Interference by this court, in Certiorari proceedings under Article 226 of the Constitution of India, is justified only in cases where the findings of the enquiry officer are based on no evidence and are perverse, or where there is an error apparent on the face of the award. The impugned award does not suffer from any such illegality or irregularity necessitating interference by this Court nor can it be said that the punishment of termination of service is one, which shocks the conscience of the Court. I see no justification in interfering with the award of the Tribunal.

2. The writ petition fails and is, accordingly, dismissed. However, in the circumstances, without costs.

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RAMESH RANGANATHAN, J.

Date:07th February, 2007.

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